

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

EZEKIEL DAVIS,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-05-0558-HE
	)	
EDWARD L. EVANS, Acting Director,	)	
ET AL.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Ezekiel Davis, a state prisoner appearing *pro se*, instituted this action under 42 U.S.C. § 1983 asserting various violations of his constitutional rights. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. The plaintiff then filed a motion for temporary restraining order, which the magistrate judge has recommended be denied. The plaintiff has filed an objection to the Report and Recommendation, which the court has considered in its de novo review.

The court concurs with Magistrate Judge Purcell's conclusion that the plaintiff has failed to demonstrate he is entitled to extraordinary relief and adopts his Report and Recommendation.<sup>1</sup> Accordingly, the plaintiff's motion for temporary restraining order [Doc. #19] is **DENIED**.<sup>2</sup>


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<sup>1</sup>*If the plaintiff has a valid basis for suing the former Director of the Oklahoma Department of Corrections, who was dismissed from the action by the magistrate judge because of his retirement, the plaintiff may file a motion seeking leave to amend his complaint to join him as a party defendant.*

<sup>2</sup>*As noted by the magistrate judge, his Report and Recommendation only partially disposed of the referred issues.*

**IT IS SO ORDERED.**

Dated this 24<sup>th</sup> day of August, 2005.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE